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**To: U.S. Patent and Trademark Office****Facsimile: 703 872-9306****From: Gregory P. Einhorn****Date: June 21, 2004**

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**Comments:**

Attorney Docket: 220002066000  
Group Art Unit: 1632  
Examiner: P. Paras, Jr.  
Serial No.: 09/954,571  
Filing Date: September 11, 2001  
Inventor(s): Kenneth CHIEN  
Title: HIGH EFFICIENCY CARDIAC GENE TRANSFER

**Papers attached:**

1. Transmittal (1 page)
2. Preliminary Amendment and Response to Restriction Requirement (14 pages)
3. Fee Transmittal (1 page + 1 copy)
4. Petition for Extension of Time (1 page)

sd-205590

PTO/SB/21 (08-03)

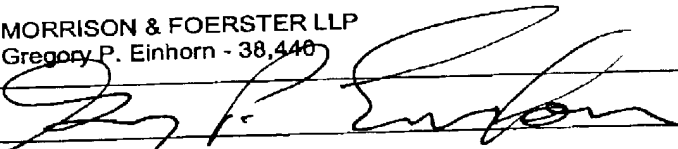
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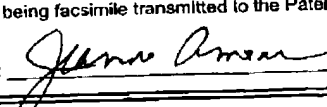
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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>	Application Number	09/954,571
	Filing Date	September 11, 2001
	First Named Inventor	Kenneth CHIEN
	Art Unit	1632
	Examiner Name	P. Para, Jr.
	Attorney Docket Number	220002066000
Total Number of Pages in This Submission		19

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form 1 pg. + 1 copy <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply - 14 pgs. <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request - 1pg. <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet - 1 pg.
Remarks Customer Number 25225		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP Gregory P. Einhorn - 38,440
Signature	
Date	June 21, 2004

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Dated: June 21, 2004	Signature:  (Jeanne Amour)

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Attorney's Docket No.: 22000-20660.00/ UC 94-161-9

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ken CHIEN  
Serial No. : 09/954,571  
Filed : September 11, 2001  
Title : HIGH EFFICIENCY CARDIAC GENE TRANSFER

Art Unit : 1632  
Examiner : Peter Paras, Jr.

Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202

PRELIMINARY AMENDMENT AND  
RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Responsive to the COMMUNICATIONS mailed April 13, 2004, and December 19, 2003, and in further response to the Election/Restriction Requirement mailed August 13, 2003, Applicants respectfully request entry of the amendment and consideration of the remarks set forth herein. A response to the Office Action was originally due March 19, 2004. Applicants submit herewith a Petition for Extension of Time to extend the time to reply to this Office Action for three months to June 21, 2004 (June 19, 2004, is a Saturday). Accordingly, this Response is timely filed.

Amendments to the specification are on page 2 of this paper.

Amendment to the claims are reflected in the listing of claims which begin on page 3 of this paper.

Remarks begin on page 10 of this paper.

The following documents are enclosed herewith:

- Transmittal letter, petition to Extend Time, postcard;
- Facsimile cover sheet.

sd-205593

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6/21/04	<i>Jeanne Amour</i>
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